



National Center for Appropriate Technology

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Mark A. Bradley, Associate Deputy Administrator
Transportation and Marketing Programs
National Organic Program
1400 Independence Avenue, SW
Room 4008-So, Ag Stop 0268
Washington, DC 20250

Re: Docket TM-05-14 RIN 0581-AC57 National Organic Program (NOP) – Access to Pasture

Dear Mr. Bradley,

I am writing on behalf of the National Center for Appropriate Technology to express our support for strengthening the inclusion in the NOP Regulation of pasture as a significant source of nutrients, and as a means to provide living conditions that accommodate the natural behavior of animals and support preventative health care for organically raised ruminant animals in all stages of production.

Given the evolutionary adaptation of the ruminant stomach to the efficient digestion of cellulosic plant materials, biology would suggest that forages must serve as the primary source of nutrients for ruminant animals. Well-managed grazing of livestock is consistent with the NOP's definition of organic agriculture, as grazing (1) fosters nutrient cycling, (2) promotes ecological balance, and (3) conserves biodiversity. From an organic perspective, grazing is a natural and ecologically appropriate method of feeding livestock. The NOP regulations (205.239(a)) call for "living conditions which accommodate the health and natural behavior of animals, including: (1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment; (2) Access to pasture for ruminants."

The NOSB Principles of Organic Production and Handling state, "The basis for organic livestock production is the development of a harmonious relationship between land, plants, and livestock, and respect for the physiological and behavioral needs of livestock." Ruminant animals are grazing animals by definition.

To answer the three questions in the docket:

- 1) Is the current role of pasture in the NOP regulations adequate for dairy and livestock under principles of organic livestock management and production? Is the role of pasture adequate for other types of organic livestock?**

Answer:

The role of pasture in NOP regulations would be adequate if the regulations for pasture were **consistently** interpreted, applied, and enforced:

- a) Interpreted in the context of the Livestock health care practice standard (205.238) and the Livestock living conditions standard (205.239);
- b) Applied in practice by ruminant livestock producers; and
- c) Enforced by organic certifiers accredited by USDA.

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The NOP regulations are largely well-written; their qualitative description of animal health and living conditions standards should be sufficient to describe a compliant livestock operation that is consistent with consumer expectations about certified organic animal production. Unfortunately, these standards have been inconsistently interpreted, applied, and enforced. Some producers have been certified by USDA-accredited certification agencies even while keeping animals confined / without access to pasture-- practices that do not nearly meet the intent of the law or the definition of organic production. The standard that requires “access to pasture for ruminants” 205.239(a)(2) must be understood with a strict interpretation of the regulation of temporary confinement in 205.239(b)(1-4). Clarification is needed, in particular, to state that lactation is not a “stage of production” that justifies confinement. Confinement / lack of provision of pasture to milk animals does not meet the intent of the law nor fulfill consumer expectations for organic products, and must not be certified as organic.

The value of the organic label hinges on consumer trust. If consumers lose trust in organic milk, they may mistrust everything organic. The USDA certified organic label has become an important marketing tool for thousands of crop and livestock producers, and food processors/handlers. The issues in this docket may be critical to the livelihood of many. The widespread media coverage about certified organic dairies operating as confinement operations has cast a shadow on the credibility of the organic industry. The NOP has this opportunity to restore consumer confidence in organic by providing clearly written regulations, interpretation, and enforcement of the requirement for “access to pasture for ruminants.”

- 2) If the current role of pasture as it is described in the NOP regulations is not adequate in your opinion, explain what factors should be considered to improve the role of pasture within the NOP regulations. Provide any available evidence that supports your view.**

Answer:

It is very difficult to establish a quantifiable minimum pasture requirement that is adequate to address ruminant livestock production across a diverse continent, let alone across the globe. (The questions posed on pages 12-15 of the docket address some of those complexities.) Organic operations that are certified to the NOP may be located anywhere in the world. Pasture resources are then as diverse as the world's climates, soils, forage species mixes and weather climates across the world.

Writing a minimum standard holds the risk that some producers will meet only that minimum standard rather than using a systemic approach to organic management practices that optimize nutrient cycling, biodiversity, soil and water quality, pasture resources and herd health. A quantitative standard also creates an additional burden on organic producers, inspectors, certifiers, and USDA to verify and enforce compliance to a standard where quantification may not be straightforward.

Nonetheless, it appears necessary at this time to define and quantify the role of pasture for ruminants in order to assure the public of that NOP requirements are uniformly—at least minimally-- met and enforced. The NOP should adopt, at a minimum, the recommendations submitted by the NOSB which state that “ruminants should graze pasture for a minimum of 120 days per year except during certain stages of life: birthing, dairy animals up to 6 months of age and beef animals during a final finishing stage. The producer of an organic operation must not prevent dairy animals from grazing pasture during lactation.” In addition to the minimum grazing requirement recommended by the NOSB, ruminants should receive a significant amount of their dry matter intake from pasture. The NOSB has recommended a minimum measurable amount of 30% Dry Matter Intake (DMI) from pasture on a per animal, per day basis, during the growing season (of at least 120 days) for all ruminants over 6 months of age.

The only exceptions to providing access to pasture for ruminants should be for well-justified reasons that are described in the producer's organic system plan, approved by the certifier, consistent with the entirety of NOP livestock regulations including the regulation on temporary confinement, well-documented by the producer, verified by the inspector, and accordingly enforced. Organic regulations—whether existing or as amended to include new requirements for quantification of grazing—must be met by all organic producers. This will likely mean that dairy operations in some environments (with short growing seasons and/or low forage production) will not be able to achieve compliance with the organic regulations, and therefore will not be able to be certified organic.

- 3) **Which parts of the NOP regulations should be changed to address the role of pasture in organic livestock management? Pasture appears in the NOP definitions (subpart B, § 205.2), and in subpart C of production and handling requirements under livestock feed (§ 205.237), livestock healthcare (§ 205.238), and livestock living conditions (§ 205.239). Should the organic system plan requirements (§ 205.201) be changed to introduce a specific means to measure and evaluate compliance with pasture requirements for all producers of dairy or other livestock operations? Or, should a new standard be developed just for pasture alone?**

Answer:

Changes to the regulation should be made. Underlined phrases are proposed additions.

§ 205.2 Terms defined

Growing season for pasture. The time(s) of year when pasture growth is possible from natural precipitation or irrigation.

Dry matter intake (livestock feed). The quantity of total feed intake measured on a moisture-free basis in order to provide a consistent basis for comparison.

§ 205.237 Livestock feed.

(b) The producer of an organic operation must not:

(7) Prevent dairy animals from grazing pasture during lactation, except as allowed under §205.239(b).

(c) Ruminant livestock must graze pasture for the growing season but not less than 120 days per year. The grazed pasture must provide a significant portion of the total feed requirements but not less than 30% of the dry matter intake on an average daily basis during the growing season.

§ 205.239 Livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:

(1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production life, the climate, and the environment;

(2) Access to pasture for ruminants, as required in 205.237(c).

(b) The producer of an organic livestock operation may provide temporary confinement for an animal because of:

(2) The animal's stage of production life; for ruminants this includes only:

(i) birthing;

(ii) dairy animals up to 6 months of age; or

(iii) beef animals during a final finishing stage not to exceed 90 days.

There should be specific means to measure and evaluate compliance with pasture requirements for all producers of dairy or other ruminant livestock operations. Such operations will need to describe their pasture systems, including management, pasture acreages, animal numbers, and planned DMI intake, in their organic system plans.

Standardized measures will be needed to assess and verify dry matter intake. The NOP should consult with the NOSB and forage experts, and then issue guidance to livestock producers and accredited certifying agents on standardized organic system plan forms and DMI assessment tools. To the extent possible, DMI assessment tools should use reasonable estimates and simple calculations rather than more complicated or costly measures. It will be an important balance to develop measures that are sufficient to verify non-compliance without causing undue burden to compliant producers.

Revised organic system plan forms will be needed for livestock operations with ruminant animals to assure that adequate information is consistently gathered and assessed by all accredited certifying agents. The National Center for Appropriate Technology has been contracted by NOP to develop such forms. Although the livestock forms are currently in draft and under review by the NOP, NCAT staff is poised to add the relevant sections to adapt these model forms to meet that need in time to be presented to the NOSB at the Fall 2006 meeting.

We appreciate the opportunity to comment, and strongly support clarifying, strengthening, and enforcing pasture requirements for organic ruminants. I urge the USDA to move forward with proposed rulemaking with these recommendations.

Respectfully submitted,

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Agriucture Specialist